UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
LENOVO (UNITED STATES) INC. and
MOTOROLA MOBILITY LLC,
Petitioners,

v.

COLLISION COMMUNICATIONS, INC.,
Patent Owner.

Case No. IPR2025-00302
U.S. Patent No. 7,920,651 B2

PATENT OWNER'S CORRECTED OPPOSITION TO MOTION FOR JOINDER UNDER 35 U.S.C. § 315(C) 37 C.F.R. §§ 42.22 AND 42.122(b)

TABLE OF CONTENTS

Page

I. STATEMENT OF THE PRECISE RELIEF REQUESTED 1

II. BACKGROUND 1

III. ARGUMENT.....3

IV. CONCLUSION.....4

TABLE OF AUTHORITIES

Page(s)

Federal Cases

Apple Inc. v. Fintiv, Inc.,
IPR2020-00019, Paper 11 (PTAB March 20, 2020) 4

Federal Statutes

35 U.S.C. § 314(a) 2

35 U.S.C. § 315(c) 3

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Petitioners Intel Corporation, Lenovo (United States) Inc. ("Lenovo"), and Motorola Mobility LLC (collectively "Petitioners") seek joinder of this IPR2025-00302 with *Samsung Electronics America, Inc., Samsung Electronics Co. Ltd. v. Collision Communications, Inc.*, IPR2025-00011 (the "Samsung IPR"). Paper 2. Patent Owner Collision Communications, Inc. ("Collision") opposes, and respectfully requests that the Board deny Petitioners' motion requesting joinder of the Samsung IPR because (1) the request is premature and (2) Lenovo has not fully committed to taking a true "understudy" role if the proceedings are joined.[1]

II. BACKGROUND

Collision filed a patent infringement suit against Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively "Samsung") in the Eastern District of Texas ("the Samsung District Court Litigation") on December 12, 2023. The patents asserted in that litigation are U.S. Patent Nos. 6,947,505, 7,463,703, 7,593,492, 7,920,651, 8,089,946, and 9,814,071. The claim construction hearing in that litigation is scheduled for March 10, 2025.

Similarly, Collision filed a patent infringement suit against Lenovo Group Limited in the Eastern District of Texas ("the Lenovo District Court Litigation")

[1] For its second argument for opposing the motion for joinder, Patent Owner is limiting its arguments to the Lenovo Petitioner.

on the same day, December 12, 2023. Collision asserted the same six patents that it asserted in the Samsung District Court Litigation. The claim construction hearing in the Lenovo District Court Litigation is scheduled for July 15, 2025.

The Samsung IPR, which challenges Collision's U.S. Patent No. 7,920,651 ("the '651 Patent"), was filed on October 2, 2024, and the Board has yet to issue an institution decision. On December 12, 2024, Petitioners filed a Petition against the '651 Patent that is "substantively the same" as the Samsung IPR, and simultaneously moved that this IPR2025-00302 be prematurely joined with the Samsung IPR. Paper 2 at 1. Petitioners claim there are no substantive differences between their petition for *inter partes* review and the Samsung IPR because both petitions rely on "the same supporting evidence" and rely on a declaration from the same expert who adopted his prior opinions from the Samsung IPR for Petitioners' petition. Paper 2 at 5.

However, Samsung filed *Sotera* stipulations in the earlier IPR2024-01247 and IPR2024-01249, and Collision anticipates that Samsung will likewise seek to file a *Sotera* stipulation in the IPR2025-00011 proceedings to try to avoid the Board discretionarily denying that petition under 35 U.S.C. § 314(a). *See* IPR2024-01247 at Paper 8 and IPR2024-01249 at Paper 8. But Lenovo has not yet committed to following suit and filing its own *Sotera* stipulation along with

Samsung. Thus, Lenovo has not committed to take a true understudy role if the proceedings are joined.

Petitioners failed to arrange a conference call with the panel, Samsung (petitioner), and Collision (patent owner) within five business days of filing its motion in accordance with the Patent Trial and Appeal Board Consolidated Trial Practice Guide. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide November 2019 at 76.

III. ARGUMENT

The Board should deny Petitioners' motion for two reasons.

First, Petitioners' motion is premature because the Board has not issued an institution decision, and therefore, there is no proceeding for Petitioners to join. Joinder is governed by 35 U.S.C. § 315(c), which states:

> (c) JOINDER. – If the Director institutes an inter partes review, the Director, in his or her discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

Here, the Director has not yet issued an institution decision for the Samsung IPR. Petitioners' motion to join the Samsung IPR is therefore premature and should be denied.

Second, the Board should further deny Petitioners' motion for joinder because Lenovo has not committed to a true "understudy" role in the Samsung IPR. Collision anticipates that Samsung will file a *Sotera* stipulation in IPR2025-00011, like it did in IPR2024-01247 and IPR2024-01249, but Lenovo has not yet committed to following suit and filing its own *Sotera* stipulation along with Samsung. *See* IPR2024-01247 at Paper 8 and IPR2024-01249 at Paper 8. Lenovo thus has not agreed to be bound to a true "understudy" role because it would not be bound by the same restrictions as Samsung. Indeed, without the *Sotera* stipulation, unlike Samsung, Lenovo would be free to pursue the same grounds in the Lenovo District Court Litigation and at the PTAB. This could lead to the same inefficient use of resources that the PTAB sought to prevent with its precedential *Fintiv* decision. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB March 20, 2020) (precedential).

IV. CONCLUSION

Collision respectfully requests that the Board denies Petitioners' motion for joinder because it is premature, and Lenovo would not have committed to a true

"understudy" role if Samsung agrees to a *Sotera* stipulation, and if the proceedings are joined.

Respectfully submitted,

Dated: January 13, 2024

/William A. Meunier/

William A. Meunier (Reg. No. 41,193)
Michael T. Renaud (Reg. No. 44,299)
Kevin C. Amendt (Reg. No. 69,361)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
Telephone: 617-348-1793
Facsimile: 617-542-2241
E-mail: WAMeunier@mintz.com
MTRenaud@mintz.com
KCAmendt@mintz.com
Mintz-Collision-IPRs@mintz.com

Counsel to Patent Owner Collision Communications, Inc.

CERTIFICATE OF SERVICE

I certify that a copy of Patent Owner's Corrected Opposition to Motion for Joinder was served by electronic mail on the following counsel of record:

Vincent Y. Ling (Reg. No. 67,145)
vincent.ling@mto.com
MUNGER, TOLLES & OLSON LLP
350 South Grand Ave., 50th Floor
Los Angeles, CA 90071
Tel: (213) 683-9100
Fax: (213) 687-3702

Heather Takahashi (Reg. No. 78,418)
Adam Kwon (Reg. No. 75,653)
Zach Briers (pro hac vice pending)
Peter Gratzinger (pro hac vice pending)
MUNGER, TOLLES & OLSON LLP
350 South Grand Ave., 50th Floor
Los Angeles, CA 90071
Tel: (213) 683-9100
Fax: (213) 687-3702
lenovo-collision@mto.com

Timothy Riffe, Reg. No. 43,881
Jennifer Huang, Reg. No. 64,297
Whitney Reichel, Reg. No. 59,173
Lawrence Jarvis, Reg. No. 74,636
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945
PTABInbound@fr.com
IPR55851-0027IP1@fr.com

Dated: January 13, 2024

/William A. Meunier/
William A. Meunier (Reg. No. 41,193)